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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,517

12/05/2003

Brian D. Oxman

FID-010

2393

42532 7590 01/23/2009

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BOSTON, MA 02110

EXAMINER

COLAN, GIOVANNA B

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* BRIAN D. OXMAN  
and  
DAVID R. HUPPER

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Application No. 10/729,517  
Technology Center 2100

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Mailed: January 22, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*  
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 5, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

### **APPEAL BRIEF, ARGUMENTS**

A review of the file finds that the arguments with respect to each grounds of rejection as provided in the Appeal Brief filed October 1, 2007 under the heading “Argument” have not been clearly provided. Each grounds of rejection must be treated under a **separate heading** in accordance with 37 CFR 41.37(c)(1)(vii). Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.

Appellants have not provided the necessary headings and/or subheadings for arguments which correspond to each grounds of rejection. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

### **TIMELINESS/ FEES**

The examination of the file reveals that the May 11, 2007 Notice of Appeal filing fee has not been charged to appellants’ Deposit Account.

### **CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on October 1, 2007 defective;
- 2) to notify Appellants to file a paper properly presenting the arguments for each grounds of rejection as required;

- 3) for consideration of said paper;
- 4) to have the fee for the Notice of Appeal filed May 11, 2007 charged to appellants' Deposit Account as requested; and
- 5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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